

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 10, 2003

DIVISION TWO

B157606 People (Not for Publication)
v.
Warren

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B157698 Shamsian, et al. (Certified for Publication)
v.
Atlantic Richfield Company, et al.

Summary judgment is reversed. Upon remand, summary adjudication shall be granted as to the Health and Safety Code section 25249.5, negligent misrepresentation, and injunctive relief causes of action. Summary adjudication shall be denied as to the nuisance, trespass, and declaratory relief causes of action, and the trial court shall permit the appellants to amend their nuisance cause of action to request injunctive relief. The parties shall bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

April 10, 2003 (Continued)

DIVISION TWO (Continued)

B159226 Smith (Not for Publication)
v.
California Public Employees' Retirement Systems

The order of the trial court is affirmed. Smith is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B153797 Paul Ross (Not for Publication)
B154712 v.
Century 21 Bill Pike Realty

The judgment is reversed and the case is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B162042 People (Not for Publication)
v.
Kaplan

The judgment is modified by awarding appellant an additional 31 days conduct credit pursuant to Penal Code section 4019, and, as modified, the judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

April 10, 2003 (Continued)

DIVISION THREE (Continued)

B154467 People (Not for Publication)
v.
Walker

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B159507 People (Not for Publication)
v.
Gonzales

For the foregoing reasons, the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment specifying imposition of a one-year and four month sentence on count 2 and a stayed sentence, pursuant to Penal Code section 654, on the sentence on count 4.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B151901 People (Not for Publication)
v.
Whitehurst

For the foregoing reasons, the decision filed by this court on November 13, 2002 is vacated and the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

April 10, 2003 (Continued)

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk and P. McGill, Chief Deputy Clerk.

Each of the following:

B153465 People v. Green
B154418 People v. Gutierrez
B156481 People v. Hawkins
B156757 People v. Churchwell
B157189 People v. Gabay
B158648 People v. Garcia
B158876 People v. Lewis
B159205 People v. Scott
B159421 In re Joshua S.
B159422 People v. Wallace
B159463 People v. McGinnis
B159620 People v. Worthy
B159839 People v. Seda
B160012 People v. Rosenberger
B161070 People v. Jerneau H.
B161365 People v. Boyd
B161995 People v. Juan G.
B162357 People v. Juan G.

Argument waived, cause submitted.

B159767 People
 v.
 Jimenez

Merits:

Argued by Michael C. McMahon, Chief Deputy Public Defender, for appellant and by Victoria B. Wilson, Deputy Attorney General, for respondent via video conference. Cause submitted.

April 10, 2003 (Continued)

DIVISION SIX (Continued)

B160163 People
 v.
 Jimenez

Merits:

Argued by Michael C. McMahon, Chief Deputy Public Defender, for appellant and by Lawrence M. Daniels, Deputy Attorney General, for respondent via video conference. Cause submitted.

Perren, J. left the bench.

B158084 People
 v.
 Valle

Merits:

Argued by Jessica Goulden, Deputy District Attorney, for appellant and by Richard B. Lennon for respondent. Cause submitted.

Court recessed at 2:55 P.M.

Court reconvened at 3:30 P.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

B157376 People
 v.
 Hunter

Merits:

Argued by Leonard J. Klaif for appellant and by Alene M. Games, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 3:55 P.M.

April 10, 2003 (Continued)

DIVISION SIX (Continued)

B157888 People
 v.
 Maldonado, et al.

The following order amends this court's prior order of March 20, 2003 in order to correct an incorrect date:

On July 19, 2002, Judge Larry P. Fidler of the Superior Court of California, County of Los Angeles, entered an order recalling the sentence of appellant Joseph Aghazadeh. Therefore, the appeal of appellant Aghazadeh is severed from appeal B157888 and assigned case number B165694. This court will take judicial notice of the record in B157888 to constitute a record in B165694. Appellant's counsel, David Thompson, is granted 15 days from the date of this order to augment the record, if necessary. Respondent's brief in case number B157888 is due on or before April 21, 2003.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

Each of the following:

B153072 People v. Carson
B154541 People v. Alvarez
B155092 People v. Sevier
B155842 People v. Paige
B156284 People v. McSween
B156321 People v. J. Garcia
B156833 People v. Leonard K.
B157995 People v. G. Garcia
B158036 People v. Toy
B158053 People v. Rios
B158257 People v. Frazier
B158290 People v. Cruz
B158799 People v. Gregorian
B158871 People v. Jenkins

DIVISION SEVEN (Continued)

Each of the following (continued):

B159060 People v. Berger
B159886 People v. Moya
B160436 People v. Durand
B160992 People v. McCullough
B158662 DCFS v. Tiffany M.
B160454 DCFS v. Tracy B.
B164253 Tajuana J. et al., v. SCLA

Argument waived, cause submitted.

B158770 Boromond, et al.
 v.
 Petherbridge

Merits:
Argued by David Ettinger for appellant and no appearance for respondent.
Cause submitted.

B158229 People
 v.
 Newman

Merits:
Argued by John Staley for appellant and by Kyle Brodie, Deputy Attorney
General for respondent. Cause submitted.

B162023 People
 v.
 Smith

Merits:
Argued by Linn Davis for appellant and by Robert Breton, Deputy Attorney
General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B160130 Manriquez
 v.
 Adams, et al.

Merits:
Argued by Maxine Lebowitz for appellants and by John Inferrera for respondent. Cause submitted.

B157216 Los Angeles County, D.C.S.
 v.
 Coong H.

Merits:
Argued by Jerry Custis, Deputy County Counsel for respondent and no appearance for appellant. Cause submitted.

B161640 Los Angeles County, D.C.S.
 v.
 Vannoy B.

Merits:
Argued by Mark Massey for appellant and by William Thetford, Deputy County Counsel for respondent. Cause submitted.

B153293 Smith
 v.
 International Brotherhood, et al.

Merits:
Argued by Helena Wise for appellant and by Hope Singer for respondents. Cause submitted.

Court recessed at 11:28:57 A.M.

Court reconvened at 2:00 P.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

B159397 Vita
 v.
 So. California Permanente

Merits:
Argued by Jerome Zamos for appellant and by Frederick Page for respondent. Cause submitted.

B150320 Bashkin
 v.
 Rucker

Merits:
Argued by Paul Bashkin appellant in propria persona and by James McCashin for respondent. Cause submitted.

B161081 Sheffield
 v.
 Dept. of Social Services

Merits:
Argued by Lisa Maki for appellant and by Calvin House for respondent. Cause submitted.

B156910 Kougasian, et al.
 v.
 TMSL, Inc.
 K & K Ins. Group

Merits:
Argued by John Powell for appellants and by Philip Weiss and James Boedecker for respondents. Cause submitted.

April 10, 2003 (Continued)

DIVISION SEVEN (Continued)

B151340 National Technical
 v.
 Hartford Fire Ins. Co.

Merits:

Argued by Michael Maher for appellant and by Dean Herman for respondent. Cause submitted.

B153262 McGann
 v.
 City of Los Angeles

Merits:

Argued by Sarah Martoccia for appellant and by Matthew St. George for respondent. Cause submitted.

Court adjourned at 4:03 P.M.